



LAW OFFICE OF:
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VIA CM/ECF

May 02, 2014

Honorable Stephen L. Crocker
United States District Court
120 North Henry Street, Room 320
Madison, WI 53703

Re: *United States v. Michael Hancock*
Case No. 13 CR-128-bbc-1

Dear Honorable Crocker:

The above captioned matter is scheduled for trial on **May 27, 2014**. I am writing the Court to request a continuance of the trial. I took this case with the knowledge that there was an impending trial date and that the matter had previously been continued. I understand that the Court will likely be reluctant to grant my request. However, after reviewing the discovery, conducting some investigation and speaking with my client I believe that I may have motions to file.

First, I would intend to file a placeholder motion with respect to Johnson v. United States (13-7120) wherein the Supreme Court granted cert on the issue of “whether mere possession of a short-barreled shotgun should be treated as a violent felony under the armed career criminal act?” I believe the Supreme Court’s decision in that matter may have a direct impact on sentencing.

Second, my investigation has led me to believe that I may have a good faith basis for pursuing a Frank’s motion. I believe that false information may have been included in the affidavit supporting the search warrant for the property where the shotgun was found. Specifically, I believe that information regarding the sexual assault which was utilized to bolster the need for the warrant (and the immediacy of a search) may have been fabricated by the officer, to wit, the office stated physical evidence of trauma was present on the victim and was confirmed by the attending nurse. I believe that this information is false and can be confirmed by the SANE / SORT medical report which was a part of the discovery in Mr. Hancock’s State Charges, but not a part of the discovery in this case. At this time, I do not have the report in my possession.

I have contacted Mr. Hancock’s State Attorney, Julie Weber, and based upon my conversations with her and with Mr. Hancock I believe this information will be contained in the report. She will be providing me with the documents early next week. (She is currently traveling for an out of town family funeral.) Until I have the report I cannot determine if I can meet the burden for a Frank’s motion. However, I feel that is necessary to pursue this investigation further, which would certainly detract from my ability to prepare for trial.

I was reluctant to make this request because I know that the Court would like to keep this case on track. I have spoken with AUSA Kevin Burke about my thoughts and investigation and he indicated to me that he believed it was better to do it right and do it once. As such, I believe that I am ethically required to make the request for a continuance.

Very truly yours,

LAW OFFICE OF PETER A. BARTELTT, LLC

/s/

Peter A. Bartelt, Esq.

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CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing to be served via the Court's CM / ECF system to Assistant United States Attorney Kevin Burke this 2nd day of May, 2014.

/s/

Peter A. Bartelt